

**REMARKS/ARGUMENTS**

Claims 21 and 23 are pending. By the present Amendment, claim 21 is amended.

Favorable reconsideration is respectfully requested in view of the following remarks.

**REJECTION UNDER 35 U.S.C. § 102:**

The Examiner rejected claims 21 and 23 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,641,553 (Chee et al). This rejection is traversed for the reasons that follow.

The Examiner states that Chee discloses, at column 12, line 35 to column 13, line 10 and column 14, lines 14-34, a method of vascularizing cardiac tissue comprising providing a flowable agent comprising a plurality of microspheres through a delivery instrument and imparting a particle moving force to cause the microparticles to pass through contiguous tissue to target tissue without any mechanical carrying means.

Independent claim 21 is presently amended to add a limitation that the particle-moving force creates kinetic energy to impart a high pressure of several thousand psi on the microspheres or microparticles. Chee does not disclose the use of high pressure that is several thousand psi, as claimed. Support for the limitation that the pressure must be at high pressure, and, more specifically, a high pressure of several thousand psi is found at, for example, page 30, lines 18-22 and page 44, lines 7-10.

The Chee system only discloses using pressures as high as 300 psi. See, for example, Chee at column 2, lines 8-14.

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Chee, alone or in combination with any other prior art of record, does not or suggest the present invention, as claimed in the claims amended herein. It is therefore respectfully requested that the Examiner withdraw the rejection under 35 U.S.C. § 102 and pass the claims, as amended, to allowance.

It is therefore asserted that claim 21 is in condition for allowance. It is respectfully requested that the Examiner pass claim 21 to allowance. Claim 23 depends from independent claim 21 and therefore should also be allowable.

Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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Please charge or credit our Account  
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